



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest code(s), will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODE

##### AMENDMENT

STATE AGENCY: Department of Fair Employment and Housing

A written comment period has been established commencing on **May 28, 2010**, and closing on **July 12, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 12, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code(s) shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODE

Copies of the proposed conflict of interest code(s) may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **July 15, 2010**, at 10:00 a.m. in the City Council Chambers of the Burbank City Hall, 275 East Olive Avenue, Burbank, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **July 15, 2010**, following the Public Meeting, in the City Council Chambers of the Burbank City Hall, 275 East Olive Avenue, Burbank, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

#### BUSINESS

**MEETING:** On **July 15, 2010**, following the Public Hearing, in the City Council Chambers of the Burbank City Hall, 275 East Olive Avenue, Burbank, California.

At the Business Meeting, the Board will conduct its monthly business.

#### DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should

contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

### NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders; General Industry Safety Orders; and Ship Building, Ship Repair, and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **July 15, 2010**.

#### 1. TITLE 8: CONSTRUCTION SAFETY ORDERS

Division 1, Chapter 4, Subchapter 4, Article 4  
Section 1532.2

#### GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7, Article 110  
Section 5206

#### SHIP BUILDING, SHIP REPAIR, AND SHIP BREAKING SAFETY ORDERS

Division 1, Chapter 4, Subchapter 18, Article 4  
Section 8359

#### **Employee Notification Regarding Chromium (IV) Exposure Determinations (Horcher)**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4,  
Article 4  
Section 1532.2

**GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,  
Article 110  
Section 5206

**SHIP BUILDING, SHIP REPAIR,  
AND SHIP BREAKING SAFETY  
ORDERS**

Division 1, Chapter 4, Subchapter 18,  
Article 4  
Section 8359

**Employee Notification Regarding  
Chromium (IV) Exposure  
Determinations (Horcher)**

INFORMATIVE DIGEST OF PROPOSED  
ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt this proposed rulemaking action pursuant to Labor Code Section 142.3, which permits the Board to follow certain procedures when adopting standards that are substantially the same as federal standards addressing occupational safety and health issues.

The United States Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing subject matter of this rulemaking. The federal rules are set forth at 29 Code of Federal Regulations Sections 1910.1026(d)(4)(i), 1915.1026(d)(4)(i) and 1926.1126(d)(4)(i). The federal final rule was published in the Federal Register on March 17, 2010 (Fed. Reg., Vol. 75, No. 51, pp. 12681–86).

All of the provisions in question, both the federal provision cited in the preceding paragraph and the portions of the California safety orders proposed for amendment, concern the notification of affected employees of certain matters regarding Chromium (VI) exposure. The federal provisions require that the affected employees receive notification of exposure determinations, while the California standards in their present form only require that affected employees be notified of exposure determinations that indicate “that the employee exposure exceeds the PEL.” This rulemaking would replace the PEL-specific notification wording with wording substantially the same as the wording of the federal regulations. Thus, this rulemaking will modify the California standards so that they are at least as effective as the federal standards.

The proposed modification will make the California standards substantially the same as the final rule promulgated by Federal OSHA. When the Board adopts a standard substantially the same as a federal standard, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of receiving written comments during the comment period and oral comments at the public hearing is to: 1) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and 2) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above issues.

The effective date is proposed to be upon filing with the Secretary of State as provided at Labor Code Section 142.3(a)(3). The regulation may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board’s discretion.

COST ESTIMATES OF PROPOSED ACTION

At Federal Register, Vol. 75 No. 51, March 17, 2010, pages 12683–84, Federal OSHA concluded that this direct final rule does not impose significant additional costs on any private– or public–sector entity and certified that this direct final rule does not require significant additional expenditures to either public or private employers. Consequently, the Board has determined that no significant statewide adverse economic or cost impact is anticipated.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which car-



ries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local government and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed amendments to the regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified

alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than July 9, 2010. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on July 15, 2010, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

### TITLE 10. DEPARTMENT OF CORPORATIONS

#### NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (Commissioner) proposes to adopt a rule under the Corporate Securities Law of 1968, as amended, relating to licensure requirements for associated persons of Broker-Dealers. The Commissioner proposes to adopt section 260.004.1 of Title 10 of the California Code of Regulations.

## PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

## WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed as follows:

### Regular Mail

Department of Corporations  
Attn: Karen Fong, Office of Legislation and Policy  
1515 K Street, Suite 200  
Sacramento, CA 95814

### Electronic Mail

[regulations@corp.ca.gov](mailto:regulations@corp.ca.gov)

### Facsimile

(916) 322-5875

Comments may be submitted until 5:00 p.m., July 12, 2010. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

## INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The Department licenses and regulates broker-dealers pursuant to the Corporate Securities Law of 1968, as amended. Corporations Code Section 25004, in relevant part, defines the term broker-dealer as any person engaged in the business of effecting transactions in securities in this state for the account of others or for his own account, but does not include certain persons excluded by statute. Corporations Code Section 25204 authorizes the Commissioner to exempt from licensing any class of persons, unconditionally or upon specified terms and conditions or for specified periods, as deemed necessary or appropriate in the public interest or for the protection of investors.

The proposed rule, section 260.004.1, would create a non-exclusive "safe harbor", by excluding officers, di-

rectors, and partners of issuers who do not receive commissions for effecting securities transactions, limit their participation in the securities transactions as specified in the rule, and are not subject to federal and state statutory disqualification provisions, from the definition of the term "broker-dealer", as set forth in Corporations Code section 25004. The "safe harbor" would incorporate by reference, Securities and Exchange Commission rule 3a4-1 (17 CFR 240.3a4-1).

The proposed rule would:

1. Increase consistency with federal licensure requirements.
2. Promote California capital markets activity by facilitating capital-raising by issuers, in situations where the imposition of broker-dealer licensure requirements would not provide corresponding investor protection.
3. Provide added clarity with regard to licensure requirements, in light of a recent California Court of Appeal decision in *People v. Cole*, 156 Cal.App. 4th 452 (2007).
4. Protect investors by ensuring that associated persons of issuers that receive commissions for the sale of securities, or have committed acts in violation of section 25212 of the Corporations Code, are subject to broker-dealer licensure requirements.
5. Expand and clarify the scope of Commissioner's Release No. 119-C (2008).

## AUTHORITY

Sections 25204 and 25610, Corporations Code.

## REFERENCE

Sections 25004, Corporations Code.

## AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

**AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF PROPOSED  
REGULATIONS/INTERNET ACCESS**

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 09/09–B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 09/09–C. These documents are also available at the Department’s website [www.corp.ca.gov](http://www.corp.ca.gov). As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**FISCAL IMPACT**

- Cost or savings to any state agency: insignificant or none.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.
- Other nondiscretionary costs/savings imposed on local agencies: none.
- Costs to private persons or businesses directly affected: potentially decreases costs.

**DETERMINATIONS**

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not affect small businesses. Broker–dealers are not considered a small business under Government Code Section 11342.610.
- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON SMALL BUSINESS**

Although broker–dealers are not considered a small business under Government Code Section 11342.610, the Commissioner has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on business. It is anticipated that the proposed regulatory action will, in fact, promote California capital markets.

**CONTACT PERSON**

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322–3553. The backup contact person is Tanya Bosch at (916) 322–3553. Inquiries regarding the substance of the proposed regulation may be directed to Ivan Griswold, Corporations Counsel at (916) 322–3553.



## TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Holiday Inn Express, 2224 Auburn Blvd., Sacramento, California 95821, at 1:30 p.m. on July 28, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office not later than 5:00 p.m. on July 23, 2010 or must be received by the California Board of Accountancy at the hearing. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5134 of the Business and Professions Code, and to implement, interpret or make specific Section 5134 of said Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### 1. Amend Section 70, Title 16 of the California Code of Regulations.

Section 5134 of the Business and Professions Code authorizes the California Board of Accountancy (CBA) to collect fees for the initial permit to practice as a partnership, corporation, or Certified Public Accountant (CPA) at a level not to exceed \$250. It further authorizes the CBA to collect fees for the renewal of such a permit at a level which allows the CBA to maintain its contingent fund reserve balance equal to approximately nine months of annual authorized expenditures; however, that amount may not exceed \$250. Section 70 of Title 16 of the California Code of Regulations currently sets

these levels at \$200 for the initial permit and \$200 for renewal of the permit.

This proposal would amend Section 70 to reduce those fees to \$120 for an initial permit and \$120 for renewal of the permit for a period of four years, at which time, the fees will return to current levels unless, by May 31, 2014, the CBA determines that a lower fee level is indicated.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The projected reserves for the 2010/11 fiscal year are approximately \$24 million with an estimated Months in Reserve (MIR) of 22.5. With the fee reduction stated in this proposal, beginning in FY 2011/12, the MIR drops each year through FY 2014/15 to arrive at 12.1 MIR.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the CBA are:

- A cost savings of \$80 for each issuance of an initial permit to practice and \$80 for each renewal of a permit to practice beginning in fiscal year 2011–2012. As the CBA renewal cycle is biennial, the total cost savings over the 4–year period could be as much as \$160.

- A corresponding cost increase of \$80 for each issuance of an initial permit to practice and \$80 for each renewal of a permit to practice beginning in fiscal year 2015–2016 unless the CBA determines that a lower amount is appropriate to maintain its fund balance at an approximately nine month reserve.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The California Board of Accountancy has determined that the proposed regulations may affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The California Board of Accountancy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above–mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Matthew Stanley  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815  
Telephone No.: 916–263–3680  
Fax No.: 916–263–3678  
E–mail Address: regulations@cba.ca.gov

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#### **TITLE 16. BOARD OF BEHAVIORAL SCIENCES**

#### **TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS BOARD OF BEHAVIORAL SCIENCES NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

#### **Licensed Professional Clinical Counselors and LEP CE**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (BBS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 N Market Blvd, Sacramento CA, 95834 Room N–220 at 11:00 a.m. on July 13, 2010. Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Tracy Rhine in this Notice, must be

received by the BBS at its office not later than 5:00 p.m. on July 12, 2010, or must be received by the BBS at the hearing.

The BBS, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 4990.16, 4990.18, and 4990.20 of the Business and Professions Code (BPC), and to implement, interpret, or make specific Sections 4980.80, 4989.10, 4989.12, 4989.14, 4989.20, 4989.22, 4989.24, 4989.26, 4989.28, 4989.34, 4989.68, 4990, 4990.04, 4990.08, 4990.12, 4990.20, 4996.2, 4996.22, 4996.23, 4999.20, 4999.24, 4999.30, 4999.32, 4999.33, 4999.34, 4999.36, 4999.42, 4999.44, 4999.45, 4999.46, 4999.47, 4999.48, 4999.50, 4999.52, 4999.54, 4999.58, 4999.60, 4999.76, 4999.90, 4999.104, 4999.112, and 4999.120 of the BPC, the BBS is considering amending Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC Section 4990.20 authorizes the BBS to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the BPC for which it is responsible. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) of Division 2 in the BPC and mandated the BBS implement the provisions of the new chapter. BPC Section 4999.30 prohibits any person in the State of California from practicing or advertising the performance of professional clinical counseling services without a license issued by the BBS. Furthermore, BPC Section 4999.80 mandates the BBS enforce laws designed to protect the public from incompetent, unethical or unprofessional practitioners, investigate complaints concerning the conduct of any licensed professional clinical counselor, and take disciplinary action against licenses issued as enumerated in rules and regulations of the BBS.

Division 18 of Title 16 of the CCR includes numerous sections relating to education requirements, experience requirements, fees, administrative actions, and disciplinary guidelines of BBS-regulated licensees and registrants.

The purpose of these regulations is to revise existing regulations to incorporate licensed professional clinical counselor (LPCC) requirements and fees referenced in various sections of Chapter 16 of Division 2 of the BPC. These revisions will also modify the document titled "Board of Behavioral Sciences Disciplinary Guidelines (Rev. November 2008 March 2010)" referenced in CCR Section 1888 (Division 18 of Title 16).

Also, the BBS administers and enforces the provisions of the Educational Psychology Act ("Act" — Business and Professions Code (BPC) sections 4989.10 and following). BPC section 4989.34 of that Act requires licensed educational psychologists (LEPs) to certify completion of approved continuing education (CE) in, or relevant to, educational psychology and authorizes the BBS to establish "exceptions" for LEPs from CE requirements for "good cause" as determined by the BBS. Further, Section 4989.34 authorizes the BBS to establish, by regulation, a procedure for approving providers of LEP CE courses and to set minimum standards for those CE course providers.

Current law does not specify requirements for BBS-approved CE courses for LEPs, set license renewal requirements relative to CE for LEPs, or establish a procedure for the BBS to grant exceptions to those requirements. Current law also does not create a procedure for the approval of providers of LEP CE courses or set minimum standards for those CE course providers. This proposal would establish those requirements and procedures.

Additionally, these revisions will correct numerous erroneous authority citations and references in existing regulations that were not updated upon the Governor's approval of SB 1475 (Figueroa) on September 29, 2006 and update references to new forms and revisions to previously incorporated forms.

This rulemaking also proposes changes to the CE exception process for all licensees, in order to bring this section and the BBS's forms into compliance with both the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). Other clarifying and technical changes are also proposed to the BBS's CE regulations.

A prior rulemaking package was noticed with the Office of Administrative Law and published in the regulatory notice register on October 30, 2009 relating to the following Sections of this proposal: 1807, 1807.2, 1810, 1819.1, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14. The language

included in the previous rulemaking package, Notice File Number Z-2009-1019-01, relating to required continuing education for LEPs has been incorporated into this proposed rulemaking, with the following changes:

1. Extension of the implementation date from January 1, 2011 to January 1, 2012; and,
2. Deletion of the requirement for LEPs to take the following specific CE courses:
  - a. Human Sexuality
  - b. Spousal/Partner Abuse Training
  - c. Aging and Long-term Care
  - d. AIDS/HIV Training

Due to the passage of SB 788 which, beginning January 1, 2011, requires the BBS to establish, license and regulate professional clinical counselors, it is necessary to develop regulations to implement those LPCC related statutes immediately. Implementation of SB 788 requires the Board to include LPCCs in all current, relevant regulations, including those relating to continuing education. In order to ensure that all BBS licensees complete statutorily mandated continuing education it is therefore necessary to include both LEP and LPCC continuing education requirements in one rulemaking package.

#### **Amend Section 1800 — Declaratory Decisions**

Section 1800 clarifies what decisions from the BBS are “Declaratory Decisions.”

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

#### **Amend Section 1802 — Definitions**

Section 1802 defines references to “board” and “Code” in the rules and regulations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also delete an errant reference to a BPC section.

#### **Amend Section 1803 — Delegation of Certain Functions**

Section 1803 delegates authority to the BBS to conduct a variety of functions related to formal discipline and administrative action against licensees and registrants.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also replace two errant references to BPC sections.

#### **Amend Section 1804 — Filing of Addresses**

Section 1804 sets forth provisions for maintaining a current address of record with the BBS.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also replace two errant references to BPC sections.

#### **Amend Section 1805 — Applications**

Section 1805 mandates applications submitted to the BBS be on forms prescribed by the BBS and requires a 180-day waiting period between failure and re-take of an examination.

The proposed regulation adds a reference to a BPC section relating to LPCCs.

#### **Amend Section 1805.1 — Permit Processing Times**

Section 1805.1 sets forth the maximum processing times for BBS applications.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

#### **Amend Section 1806 — Abandonment of Application**

Section 1806 specifies the conditions under which the BBS shall abandon an application.

The proposed regulation would set forth a one-year deadline to complete an application submitted to the BBS related to professional clinical counselors. The proposed regulation would set a one-year deadline from either initial examination eligibility or notification of examination failure to take the jurisprudence and ethics examination, the examination required in BPC section 4999.54(b)(2), or the examination required in BPC section 4999.52(c)(5). Furthermore, the proposed regulation requires the initial LPCC license fee be submitted within one year after notification of successful completion of examination requirements. In addition, the proposed regulation adds references to BPC sections relating to LPCCs.

#### **Amend Section 1807 — Human Sexuality Training**

Section 1807 specifies the requirements for human sexuality training required of marriage and family therapists (MFTs) and licensed clinical social workers (LCSWs).

The proposed regulation change would require LPCC applicants complete a human sexuality training at least 10 hours in length. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section, add a reference to a BPC section relating to LCSWs, add a reference to a BPC section relating to LPCCs, correct the title of the Bureau of Private Postsecondary Education, and replace two errant references to the Education Code.



**Amend Section 1807.2 — Child Abuse Assessment Training Requirements**

Section 1807.2 sets forth the requirements for child abuse assessment and reporting training for MFTs and LCSWs.

The proposed regulation would require LPCC applicants complete a child abuse assessment and reporting training, which must be at least seven hours in length. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs. The proposed regulation corrects the title of the Bureau of Private Postsecondary Education and replaces two errant references to the Education Code. The proposed regulation would require an LEP, in addition to meeting all other requirements for licensure, to complete child abuse assessment and reporting training prior to applying for his or her first license renewal on or after January 1, 2012. This proposal would also clarify that in addition to meeting all other requirements for licensure, MFTs and LCSWs must have completed coursework and training in child abuse assessment prior to licensure.

**Amend Section 1810 — Alcoholism and Other Chemical Substance Dependency Training**

Section 1810 sets forth the requirements for substance abuse training for MFTs and LCSWs.

The proposed regulation would require LPCC applicants complete a course, which must be at least 15 hours in length, in alcoholism and other chemical dependencies. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs. The proposed regulation corrects the title of the Bureau of Private Postsecondary Education and replaces two errant references to the Education Code. The proposed regulation would require an LEP who renews his or her license after January 1, 2012 to complete at least 15 hours of instruction and training in alcoholism and other chemical substance dependency in 10 specific course content areas. In addition, the proposal would require the training and coursework received by the LEP to be obtained from an accredited or approved educational institution, a governmental entity, a licensed health facility or a CE provider approved by the BBS.

**Add Section 1810.1 — California Law and Ethics Training; Acceptable Education Providers**

Section 1810.1 sets forth the appropriate institutions at which an LPCC or MFT out-of-state applicant may complete required training in California law and ethics.

The proposed regulation clarifies at what entities an LPCC applicant or MFT out-of-state applicant may complete the California law and ethics training as required in BPC sections 4999.32 and 4980.80, respectively.

**Add Section 1810.2 — Crisis or Trauma Counseling Training**

Section 1810.2 sets forth the appropriate institutions at which an LPCC applicant may complete required training in crisis or trauma counseling.

The proposed regulation clarifies at what entities an LPCC applicant may complete the crisis or trauma counseling training as required in BPC section 4999.32.

**Amend Section 1811 — Use of License Number in Directories and Advertisements**

Section 1811 sets forth requirements for advertising for all current BBS licenses and registrations.

The proposed regulation would require LPCCs and professional clinical counselor interns comply with the same advertising requirements of current BBS licensees and registrants. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs.

**Amend Section 1812 — Substantial Relationship Criteria**

Section 1812 clarifies the criteria for determining substantial relationship of a crime or act to authority to practice.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

**Amend Section 1813 — Criteria for Rehabilitation — Denial of Licensure**

Section 1813 sets forth the criteria for determining rehabilitation when considering denial of licensure.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

**Amend Section 1814 — Criteria for Rehabilitation — Suspensions or Revocations**

Section 1814 sets forth the criteria for determining rehabilitation when considering suspension or revocation of licensure.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

**Amend Section 1815 — Fingerprint Submission**

Section 1815 sets forth requirements for fingerprint submissions and criminal background checks for BBS licensees and registrants.

The proposed regulation would add a reference to a BPC section relating to LPCCs.

**Amend Section 1816 — Renewal Fees**

Section 1816 sets forth renewal fees for all BBS licenses and registrations.

The proposed regulation would add renewal fees for professional clinical counselor interns (\$100), licenses

issued pursuant to BPC section 4999.54 (\$150), and the LPCC biennial renewal (\$175). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

**Amend Section 1816.1 — Initial License and Registration Fees**

Section 1816.1 sets forth initial license and registration fees.

The proposed regulation would add the LPCC initial license fee (\$200) and the professional clinical counselor intern registration fee (\$100). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

**Amend Section 1816.2 — Examination Fees**

Section 1816.2 sets forth examination fees.

The proposed regulation would add the LPCC jurisprudence and ethics examination fee (\$100), the LPCC examination fee (\$100) for the examination required by 4999.54(b), and the fee for the LPCC written examination (\$150). In addition the proposed regulation would add a reference to a BPC section relating to LPCCs.

**Amend Section 1816.3 — Examination Rescoring Fees**

Section 1816.3 sets the fee for rescoring any examination.

The proposed regulation would replace two errant references to BPC sections with the appropriate sections.

**Amend Section 1816.4 — Examination Application Fees**

Section 1816.4 sets the fees for examination eligibility applications.

The proposed regulation would add the LPCC examination eligibility fee (\$180). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

**Amend Section 1816.5 — Replacement and Certification Fees**

Section 1816.5 sets forth fees for replacement licenses and registrations and certifications of licensure and registration.

The proposed regulation would replace an errant reference to a BPC section with the appropriate section.

**Amend Section 1816.6 — Inactive License Fees**

Section 1816.6 sets the inactive license fees for BBS licensees.

The proposed regulation would add the LPCC biennial inactive renewal fee (\$87.50) and inactive renewal fee for licenses issued pursuant to BPC section 4999.54(a)(1)(\$75). In addition; the proposed regulation would add a reference to the BPC relating to LPCCs.

**Amend 1816.7 — Delinquent Fees**

Section 1816.7 sets the delinquent fees for BBS licensees.

The proposed regulation would add the delinquency fee for an LPCC renewal (\$87.50), add the delinquency fee for licenses issued pursuant to BPC section 4999.54(a)(1)(\$75), and delete language referring to a temporary fee reduction in effect from January 2001 to December 2002. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section, replaces an errant BPC section reference with the appropriate section, and adds a reference to a section relating to LPCCs.

**Add Section 1816.8 — Applications for Licensure Pursuant to BPC Section 4999.54**

Section 1816.8 sets the fees for applications for licensure submitted pursuant to BPC section 4999.54.

The proposed regulation creates this section to set a fee for applications for licensure submitted pursuant to BPC section 4999.54.

**Amend Section 1819.1 — Continuing Education Provider Fees**

Section 1819.1 sets the fee for CE provider applications at two hundred dollars (\$200).

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section and adds two BPC section references relating to LPCCs and one relating to LEPs.

**Add Section 1820 — Experience**

Section 1820 defines the term supervision, clinical mental health setting, and community mental health setting. In addition, Section 1820 sets forth the conditions under which supervision can be credited.

The proposed regulation creates this section to define terms and make specific requirements referenced in BPC section 4999.46.

**Add Section 1820.5 — Experience Working Directly with Couples, Families, or Children**

Section 1820.5 clarifies an exception to the LPCC scope of practice described in 4999.20.

The proposed regulation creates this section to clarify the means of acquiring the required supervised experience needed in order for LPCCs to qualify to assess and treat couples and families.

**Add Section 1821 — Requirements for Supervisors**

Section 1821 sets forth the qualifications licensed mental health professionals must possess prior to supervising a professional clinical counselor intern.

The proposed regulation creates this section to define the qualifications needed to supervise an individual completing the requirements referenced in BPC section 4999.46.

### **Add Section 1822 — Supervisory Plan**

Section 1822 requires supervisors of professional clinical counselor interns sign a Supervisory Plan.

The proposed regulation creates this section mandating supervisors sign-off on a BBS prescribed form documenting the goals of professional supervision.

### **Amend Section 1833.1 — Requirements for Supervisors**

Section 1833.1 sets forth the requirements for supervising MFT Trainees and Interns.

The proposed regulation would add LPCCs to the list of licensed mental health professionals eligible to supervise MFT Trainees and Interns, update the revision date (3/10) for the form referenced in regulation, and add a reference to a BPC section relating to LPCCs.

### **Amend Section 1833.2 — Supervision of Experience Gained Outside of California**

Section 1833.2 sets forth the requirements for experience gained outside of California.

The proposed regulation would add “professional clinical counselor” to the list of supervisors eligible to supervise experience applied to BBS requirements that the applicant earned out-of-state.

### **Amend Section 1850.6 — Name of Corporation**

Section 1850.6 clarifies the appropriate wording for abbreviations denoting corporations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1850.7 — Shares: Ownership and Transfer**

Section 1850.7 sets forth requirements for transfer of corporate shares and clarifies what needs to be included on the share certificates.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1870 — Requirements for Associate Clinical Social Worker Supervisors**

Section 1870 sets forth requirements for supervising associate clinical social workers.

The proposed regulation would update the revision date (3/10) for the form referenced in regulation, add a reference to a BPC section relating to LPCCs, and delete an errant reference to a BPC section.

### **Amend Section 1870.1 — Supervisory Plan**

Section 1870.1 requires associate clinical social workers develop a Supervisory Plan with their supervisors and send the original signed plan to the BBS upon application for licensure.

The proposed regulation would update the revision date (3/10) for the form referenced in regulation, re-

place an errant reference in the authority cited with the appropriate BPC section, and replace an errant reference to a BPC section with the appropriate section.

### **Amend Section 1874 — Definition of Acceptable Mental Health Professionals**

Section 1874 defines the types of acceptable mental health professionals, in addition to an LCSW, who may supervise an associate clinical social worker.

The proposed regulation would delete two errant references to repealed BPC sections and replace them with the accurate reference. In addition, the proposed regulation would add the title of “licensed professional clinical counselor” to the types of mental health professionals who can supervise an associate clinical social worker.

### **Amend Section 1877 — Examinations**

Section 1877 clarifies the types of written examinations an individual must pass to earn a clinical social work license.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1880 — Unlicensed Assistants**

Section 1880 requires an unlicensed person employed under BPC section 4996.15 disclose the lack of a license and the license held by the individual’s supervisor.

The proposed regulation would add the titles of “marriage and family therapist” and “licensed professional clinical counselor” to the list of individuals who would supervise an unlicensed assistant. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1881 — Unprofessional Conduct**

Section 1881 sets forth the conditions in which the BBS may suspend or revoke a license or refuse to issue a license.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886 — Authority to Issue Citations and Fines**

Section 1886 gives authority to the BBS Executive Officer to issue citations, orders of abatement, and fines against the licensees and registrants the BBS regulates.

The proposed regulation would add LPCCs and professional clinical counselor interns to the list of licenses and registrations for which the Executive Officer has authority to issue a citation, order of abatement, or fine. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.



### **Amend Section 1886.10 — Citations for Unlicensed Practice**

Section 1886.10 gives authority to the BBS Executive Officer to issue citations, orders of abatement, and fines against individuals engaging in unlicensed practice.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.20 — Citation Format**

Section 1886.20 sets forth the information required to be included in any citation.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.30 — Citation Factors**

Section 1886.30 sets forth the considerations to be made by the BBS Executive Officer when assessing an administrative fine or issuing an order of abatement.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.40 — Amount of Fines**

Section 1886.40 sets forth limits relating to citable offenses.

The proposed regulation would add BPC Chapters 13.5 (Licensed Educational Psychologists) and 16 (LPCC) to the list of statutes enforced by the BBS. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section and add references to BPC sections relating to LEPs and LPCCs.

### **Amend Section 1886.50 — Exceptions**

Section 1886.50 sets forth exceptions for issuing citations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.60 — Compliance with Citation/Order of Abatement**

Section 1886.60 sets forth the terms for compliance with a citation or order of abatement.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.70 — Contested Citations and Request for a Hearing or Informal Citation Conference**

Section 1886.70 sets forth requirements for contesting a citation.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Section 1886.80 — Disconnection of Telephone Service**

Section 1886.80 specifies that nothing in Article 7 of Title 16 of the California Code of Regulations precludes the BBS from using the provisions described in BPC section 149.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

### **Amend Article 8 Title — Continuing Education Requirements for Marriage and Family Therapists and Licensed Clinical Social Workers**

Article 8 includes all the BBS regulations related to CE.

The proposed regulation would add “Licensed Professional Clinical Counselors” and “Licensed Educational Psychologists” to the title of Article 8.

### **Amend Section 1887 — Definitions**

Section 1887 defines several terms used in regulations related to CE.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references. The BBS is proposing clarifying language and a new definition for the “initial” renewal period.

### **Amend Section 1887.1 — License Renewal Requirements**

Section 1887.1 specifies that licensees renewing must certify completion of the mandatory CE requirements.

The proposed regulation would add language referring to two BPC sections relating to LPCCs. The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section and add a section relevant to LEPs. The proposed regulation specifies the license renewal requirements for LEPs pertaining to CE. The proposed regulation would do all of the following:

- Require that, unless an exception to CE is granted, LEPs must certify in writing that he or she has completed 36 hours of CE credit.
- Require a LEP be subject to disciplinary action if the licensee falsifies or makes material misrepresentations of fact relating to the completion of CE.



- Specify a timeline for licensees to meet the proposed LEP CE requirements. LEPs renewing January 1, 2012 through December 31, 2012 would be required to complete 18 units of CE prior to renewal. On or after January 1, 2013, all LEPs would be required to complete 36 units of CE prior to renewal.

**Amend Section 1887.2 — Exceptions from Continuing Education Course Requirements**

Section 1887.2 sets forth the conditions under which BBS may grant special accommodations or exceptions for CE requirements.

The proposed regulations would do the following:

- Add a reference to BPC section 4999.112, a form entitled “Request for Continuing Education Exception — License Application,” and a form entitled “Request for Continuing Education Exception — Verification of Disability or Medical Condition”;
- Require the request for exception or accommodation be submitted at least 60 days prior to the expiration date of a license;
- Clarify the valid time period for an approved exception;
- Add the term “reasonable accommodation” in subsection (c) for consistency;
- Clarify the term disability to include physical and mental disabilities;
- Specify that a domestic partner shall be considered an immediate family member;
- Specify the time period during the previous renewal period to be one year in order to qualify for a reasonable accommodation;
- Delete references to information that will now be included with the “Request for Continuing Education Exception — Verification of Disability or Medical Condition.”
- Delete an errant BPC section from the authority cited;
- Add two sections of the BPC and two sections of the Government Code to the authority cited; and,
- Add a BPC reference to a section related to LPCCs.

**Amend Section 1887.3 — Continuing Education Course Requirements**

Section 1887.3 sets forth continuing education course requirements for licensees.

The proposed regulation makes several grammatical non-substantive changes. The proposed regulation adds two sections of the BPC to the authority cited and adds references to BPC sections relating to LPCCs and LEPs. Also, the proposed regulation specifies a time-

line for licensees to meet the proposed LEP CE requirements. LEPs renewing January 1, 2012 through December 31, 2012 would be required to complete 18 units of CE prior to renewal. On or after January 1, 2013, all LEPs would be required to complete 36 units of CE prior to renewal.

**Amend Section 1887.4 — Continuing Education Course Content**

Section 1887.4 specifies requirements for continuing education course content and sets responsibilities for course providers.

The proposed regulation adds “professional clinical counseling,” “educational psychology,” and language referring to BPC sections 4999.76 and 4989.34. In addition, the proposed regulation adds three sections of the BPC to the authority cited and adds two references to BPC sections relating to LPCCs and LEPs.

**Amend Section 1887.5 — Hours of Continuing Education Credit**

Section 1887.5 specifies conversions of academic units to hours of CE.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

**Amend Section 1887.6 — Continuing Education Providers**

Section 1887.6 identifies the entities at which a licensee can complete CE.

The proposed regulation would require LPCCs and LEPs to take CE from an accredited or approved school or BBS-approved provider. The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

**Amend Section 1887.7 — Board-Approved Providers**

Section 1887.7 sets forth the qualifications to become an approved CE provider with the BBS.

The proposed regulation would update the revision date to the “Continuing Education Provider Application.” In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

**Amend Section 1887.8 — Revocation and Denial of Board-Approved Provider Status**

Section 1887.8 sets forth the conditions under which the BBS can revoke its approval of a CE provider.

The proposed regulation would add language referencing Chapters 13.5 and 16 of the BPC. In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.9 — Course Advertisements**

Section 1887.9 identifies what information CE providers must include on course advertisements.

The proposed regulation would add language referring to LPCCs and LEPs. In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.10 — Course Instructor Qualifications**

Section 1887.10 sets forth the requirements for instructors for courses offered through approved BBS CE providers.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.11 — Records of Course Completion**

Section 1887.11 requires approved CE providers to provide course completion records to licensees.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.12 — Licensee and Provider Course Records**

Section 1887.12 sets forth record retention requirements for licensees and approved CE providers.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.13 — Renewal of Expired Approval**

Section 1887.13 sets forth the time period within which an expired CE provider may renew a BBS approval.

The proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1887.14 — Time Limit for Renewal of Approval After Expiration; New Approval**

Section 1887.14 requires an expired CE provider submit a new application for approval if the previous approval has been expired for more than one year.

The proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

#### **Amend Section 1888 — Disciplinary Guidelines**

Section 1888 incorporates the BBS' disciplinary guidelines by reference and grants the BBS authority to deviate from the guidelines when warranted.

The proposed regulation would update the revision date of the "Board of Behavioral Sciences Disciplinary Guidelines," replace an errant reference in the authority cited with the appropriate BPC section, and a reference to the BPC relating to LPCCs.

#### **Forms Incorporated by Reference**

This proposed rulemaking also makes changes to four forms incorporated by reference that are currently used by the BBS:

- Section 1833.1: "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern," Form 1800 37A-523 (Revised 3/10)
- Section 1870: "Responsibility Statement for Supervisors of an Associate Clinical Social Worker," Form 1800 37A-522 (Revised 3/10)
- Section 1870.1 and 1822: "Supervisory Plan," Form 1800 37A-521 (Revised 3/10)
- Section 1887.7: "Continuing Education Provider Application", Form 1800 37A-633 (Revised 3/10).

Additionally, four new forms are being added by reference:

- Section 1820: "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns," Form 1800 37A-645 (New 3/10)
- Section 1821: "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern," Form 1800 37A-643 (New 3/10)
- Section 1887.2: "Request for Continuing Education Exception — Verification of Disability or Medical Condition," Form 1800 37A-636 (New 03/10).
- Section 1887.2: "Request for Continuing Education Exception — Licensee Application," Form 1800 37A-635 (Revised 3/10).

#### **FISCAL IMPACT ESTIMATES**

Local Mandate: None

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact: The BBS has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Furthermore, individuals who previously could not start private businesses because no LPCC license existed now will have the opportunity to start a business.

### **AND**

The following studies/relevant data were relied upon in making the above determination: The costs associated with this regulation include the fees an individual would be required to pay to pursue the LPCC license (e.g. application fees, examination fees, etc).

The annual salary of a Mental Health Counselor as reported by the Bureau of Labor Statistics created a baseline for the benefits attributed to an individual who earns a license as an LPCC.

There would be very minor costs to businesses to comply with the CE requirements for LEPs which would cost each business approximately \$90 per year. This is based on the cost per unit of CE averaging \$5 (it ranges from free to \$10 per unit, based on a review of seven websites offering CE to MFTs and LCSWs from BBS–approved providers) at 18 units required per year. There would be minor costs to businesses who want to provide CE courses to LEPs at \$200 initially (application fee) and \$200 every two years thereafter (renewal fee).

Impact on Jobs/New Businesses: The BBS has determined that this regulatory proposal would create job and business opportunities for those who earn a license as an LPCC. Additionally, the BBS has determined that this regulatory proposal would create job and business opportunities for those who want to provide CE to LEPs. Otherwise, this proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses:

Depending on the qualification method for the license, the cost for obtaining a LPCC license ranges between approximately \$380 and \$1050. Depending on the type of LPCC license held (e.g. annual renewal ver-

sus biennial renewal), the ongoing annual cost for maintaining an active license would range between \$87.50 and \$150. CE costs an average of \$5 per unit. LEPs will be required to complete 18 units per year for an average cost of \$90 per person per year. For LEPs who have a disability or medical condition and want to apply for an exception to CE, there would be an approximate \$300 cost related to an evaluation or forms completion by a physician or psychologist. Finally, those who wish to provide CE to LEPs and are not currently approved by the BBS as a CE provider will have an initial application cost of \$200 and \$200 renewal fee every two years.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The BBS has determined the net impact to small business will be positive because the creation of the LPCC license represents new opportunities for individuals to open small–businesses who previously could not because no LPCC license existed in the State of California. The initial cost of obtaining and maintaining the license would be surpassed over the life of the regulation if LPCCs achieve an annual income similar to the annual income of a ‘Mental Health Counselor’ as reported by the Bureau of Labor Statistics (approximately \$45,000).

The implementation of a CE program for LEPs would have a minimal impact on a small business. The BBS estimates that 767 LEPs own a small business and it would cost \$90 per year to comply. Additionally, there would be a minor impact on small businesses who wish to offer CE to LEPs (those that are not already registered with the BBS as a CE provider). The costs to these small businesses is \$200 to apply and \$200 to renew every two years.

The changes to the BBS’s CE exception regulation could present a minimal cost impact to the approximately 85 small businesses per year owned by MFTs, LCSWs or LEPs with a disability or medical condition who apply for an exception to CE. The cost would be approximately \$300 for a physician or psychologist to evaluate the licensee and/or complete paperwork for the BBS’s records.

### **CONSIDERATION OF ALTERNATIVES**

The BBS must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing provided for in this Notice.

#### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION**

The BBS has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

#### **TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

#### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named above (or by accessing the Web site listed below).

#### **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tracy Rhine  
Address: 1625 North Market Blvd., Suite S200  
Sacramento, CA 95834  
Telephone: 916-574-7847  
Fax: 916-574-8626  
Email: [tracy\\_rhine@dca.ca.gov](mailto:tracy_rhine@dca.ca.gov)

or

Name: Rosanne Helms  
Address: 1625 North Market Blvd., Suite S200  
Sacramento, CA 95834  
Telephone: 916-574-7897  
Fax: 916-574-8626  
Email: [rosanne\\_helms@dca.ca.gov](mailto:rosanne_helms@dca.ca.gov)

If the regulations adopted by the BBS differ from and are substantially related to the action proposed, the text

of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

#### **WEB SITE ACCESS**

Materials regarding this proposal can be found at [www.bbs.ca.gov](http://www.bbs.ca.gov).

### **TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT**

#### **Amendment of Title 22, California Code of Regulations, Sections 926-3, 926-4, and 926-5**

#### **TAXABLE VALUE OF MEALS AND LODGING**

##### **Notice of Proposed Rulemaking**

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), title 22, sections 926-3, 926-4, and 926-5, by increasing the taxable value of meals and lodging furnished to employees by employers for calendar year 2010. These increases are due to inflation.

The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

CCR, title 22, sections 926-3, 926-4, and 926-5, provide the taxable value of meals and lodging furnished to employees by employers. In order to establish the equivalent amount of cash wages paid by employers who pay a portion of their employee's wages in the form of meals or lodging it is necessary to compute the reasonable cash value of such meals and lodging for unemployment insurance purposes. The Department makes this computation each calendar year to reflect the upward or downward trend in the cost of living during the previous calendar year. This yearly computation ensures an accurate and up-to-date calculation of the taxable values of meals and lodging for purposes of "wages" within the meaning of California Unemployment Insurance Code (CUIC) Section 926.

According to the United States Department of Labor, Bureau of Labor Statistics [<http://data.bls.gov/cgi-bin/srgate>], the average retail food price index for fiscal



year 2008–2009 was 223.9, up 536.1 percent from the average of 35.2 for the base year 1968–69. The average residential rent index for the fiscal year 2008–2009 was 286.2. This is 543.1 percent above the average residential rent index of 44.5 for the base year ended June 30, 1973. The Department uses 1968–1969 as the base year for food and 1972–1973 as the base year for rent because these are the years used by the Bureau of Labor Statistics.

These regulations are being amended to reflect, in substantially the same ratio, the increases in the retail food price index and residential rent index which occurred during the fiscal year ended June 30, 2009.

Notwithstanding sections 926–3(a)(2), 926–4(a)(2), and 926–5(a)(2)(A) of CCR, title 22, which state in part: “For the calendar year 2010 and thereafter, except as modified herein . . .”, the Department recognizes that the amendments made to these sections will not become effective until the regulations are approved by the Office of Administrative Law.

### Section 926–3.

This regulatory action will amend section 926–3, relating to the taxable value of board and lodging. In 2010 and thereafter until modified, the taxable value of three meals per day is raised from \$10.00 to \$10.35. The taxable value of breakfast is raised from \$2.20 to \$2.25. The taxable value of lunch is raised from \$3.00 to \$3.15. The taxable value of dinner is raised from \$4.80 to \$4.95. The taxable value of lodging is raised from \$1,145.00 to \$1,190.00 monthly maximum, and from \$37.20 to \$38.60 weekly minimum.

### Section 926–4.

This regulatory action will amend section 926–4, relating to the taxable value of meals and quarters furnished to officers and crewmen aboard vessels. In 2010 and thereafter until modified, the taxable value of daily meals is increased from \$10.00 to \$10.35. The taxable value of quarters is increased from \$5.30 to \$5.45 daily for unlicensed personnel. The taxable value of quarters is increased from \$7.70 to \$8.05 daily for licensed personnel.

### Section 926–5.

This regulatory action will amend section 926–5, relating to the taxable value of meals and quarters received by fishermen aboard fishing vessels. In 2010 and thereafter until modified, the taxable value of quarters is increased from \$37.20 to \$38.60 a week, or from \$5.30 to \$5.45 a day for periods of less than a week under specified conditions.

### **Authority and Reference:**

Authority: Sections 305, 306 and 310, Unemployment Insurance Code.

Reference: Section 926, Unemployment Insurance Code.

### **Fiscal Impact:**

**Anticipated costs or savings in federal funding to the State:** None

**Anticipated costs or savings to any State Agency:** None

**Anticipated costs or savings to any local agency or school district:** None

### **Significant statewide adverse economic impact:**

Approximately 351,054 businesses and small businesses will be affected statewide by these regulations. (This estimate reflects a significant overall decrease in the number of businesses in those industries most affected by these regulations, particularly the Food Services and Drinking Places Industry, between the third quarters of 2006 and 2008, respectively.) The types of businesses affected include fisheries, apartment complexes, residential care facilities, restaurants and eating establishments, and private households. The total statewide cost to businesses and small businesses is anticipated to be \$3.7 million, however, the cost to individual businesses is minimal. The regulation does not impose any new reporting requirements on businesses.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

**The costs impact on representative persons or businesses:** These proposed amendments will affect only those businesses who furnish meals or lodging to their employees. The Department anticipates that the fiscal impact to the businesses will be negligible.

**Anticipated impact on housing costs:** These proposed amendments will have no effect on housing costs.

**Anticipated nondiscretionary costs or savings imposed upon local agencies:** None

### **Small Business Impact:**

These proposed amendments will not have a significant impact on small businesses because the changes reflect only small inflationary increases in the taxable value of meals and lodging for purposes of wages within the meaning of Section 926 of the CUI. Essentially, the proposed amendments will only accelerate the point at which an employee reaches the maximum taxable wage limit for the calendar year.

**Local Mandate Determination:**

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), of Division 4 of the Government Code.

**Consideration of Alternatives:**

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendments.

**Written Comment Period:**

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than July 12, 2010, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst  
Employment Development  
Department  
P. O. Box 826880  
Legal Office, MIC 53  
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst  
Employment Development  
Department  
800 Capitol Mall, Room 5020  
Legal Office, MIC 53  
Sacramento, CA 95814

Telephone No.: (916) 654-7719  
Fax No.: (916) 654-9069  
E-mail Address: [eddlegal@edd.ca.gov](mailto:eddlegal@edd.ca.gov)

**Note:** In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst  
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Tara McKenzie, Staff Counsel  
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

**Public Hearing:**

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on July 12, 2010.** A request for hearing can be made by contacting the persons noted above.

**Modification of Proposed Action:**

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

**Final Statement of Reasons:**

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

**Further Information:**

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted

above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

## TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD#0310-03

### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM#1 Certified Family Homes Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 14, 2010, as follows:

July 14, 2010  
Office Building #8  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 14, 2010.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please

address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

California Code of Regulations (CCR), Title 22, Division 6, Chapter 8.8 (Foster Family Agencies), Section 88030 (Identification of Certified Family Homes).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, homes certified by Foster Family Agencies conform to Title 22, Division 6, General Licensing Requirements and Small Family Home regulations, with specified exceptions.

Typically, the Small Family Homes provide care and supervision to a medically fragile population and children with developmental disabilities. Most Certified Family Homes (CFH) do not provide care and supervision to a medically fragile population. Typical CFH resemble Foster Family Homes (FFH) in the scope of care and supervision provided and type of children served. In another similarity, FFH and CFH are regarded by statute as private residences pursuant to Health and Safety Code section 1530.5. Requiring CFH to conform to FFH regulations when providing care and supervision to foster youth is appropriate. These proposed regulations will update the FFA regulations to require certified caregivers to follow the FFH regulations, Chapter 9.5, commencing with section 89200.

Making this change is also beneficial because the FFH regulations have recently been updated to incorpo-

rate input from the Children's Residential Regulations Review Workgroup (CRRRW). The CRRRW was comprised of experts in the field, including advocates, county child welfare staff, current and former foster youth, foster parents, foster parent associations, and the California Department of Social Services representatives. The input is applicable to certified foster homes.

Therefore, it is the intent of the Department of Social Services, based on its broad authority through Health and Safety Code sections 1501 and 1530, to promulgate regulations that ensure children in certified foster care homes and the foster family agency caregivers follow the most appropriate and applicable regulations.

#### **COST ESTIMATE**

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current laws and regulations.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs because the change is technical and clarifying.
4. Federal Funding to State Agencies: No additional costs because the change is technical and clarifying.

#### **LOCAL MANDATE STATEMENT**

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

#### **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily

incur in reasonable compliance with the proposed action.

#### **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that the proposed regulations will affect small businesses. The proposed regulations establish requirements for certified family homes and require compliance from Foster Family Agencies. Foster Family Agencies are considered small businesses pursuant to section 11462.4 of the Welfare and Institutions Code.

#### **ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

#### **STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1501 and 1530. Subject regulations implement and make specific Health and Safety Code Sections 1530 and 1530.5.

#### **CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Everardo Vaca (916) 657–2586  
Backup: Zaid Dominguez (916) 657–2586



## TITLE 23. DELTA STEWARDSHIP COUNCIL

### NOTICE OF INTENTION TO ADOPT THE CONFLICT-OF-INTEREST CODE OF THE DELTA STEWARDSHIP COUNCIL

The Delta Stewardship Council ("Council") was created by the Sacramento–San Joaquin Delta Reform Act of 2009, Water Code section 85000 et seq. Pursuant to Government Code section 87300, the Council must prepare and adopt a conflict of interest code. The Council hereby gives notice that it intends to adopt a conflict of interest code as described herein.

Description of the Code. The proposed code implements the requirements of sections 87300 through 87302 of the Government Code. The code will designate Council Board Members and employees who must disclose certain investments, income sources, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. At its April 22–23, 2010 meeting, the Council authorized its staff to submit the proposed conflict of interest code to the Office of Administrative Law along with any other materials which the Office of Administrative Law requires to be submitted.

Filing Comments—Location and Date: Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than July 12, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed code. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 28, 2010, by contacting the Contact Person set forth below.

Availability of Copies of the Code: Copies of the proposed code, the written explanation of the reasons for the proposed code, and all of the information upon which it is based may be obtained from the Council by contacting the contact person listed below. Any inquiries concerning the proposed code shall likewise be directed to the Council care of the contact person listed below.

The Council has determined that its proposal:

- 1) Imposes no mandate on local agencies or school districts.
- 2) Imposes no costs or savings to any state agency.

- 3) Imposes no costs to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- 4) Will not result in any nondiscretionary costs or saving to local agencies.
- 5) Will not result in any costs or savings in federal funding to the state.
- 6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making this proposal, the Council must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Person: All inquiries concerning this proposal and any communications required by this notice should be directed to the Council care of:

Lynn Darby  
Delta Stewardship Council  
650 Capitol Mall, Fifth Floor  
Sacramento, CA 95814  
Phone: (916) 445–5565  
Fax: (916) 445–7522  
Darby.Lynn@deltacouncil.ca.gov

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND GAME

#### Department of Fish and Game — Public Interest Notice

For Publication May 28, 2010  
CALIFORNIA STATE SAFE HARBOR  
AGREEMENT PROGRAM ACT CONSISTENCY  
DETERMINATION REQUEST FOR  
East Bay Municipal Utility District Safe  
Harbor Agreement  
Calaveras, Amador, and San Joaquin Counties  
2080–2010–014–02

The Department of Fish and Game (Department) received a notice on May 13, 2010 that the East Bay Municipal Utility District (EBMUD) proposes to rely on a federal safe harbor agreement (FSHA) between EBMUD and U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This FSHA entails both current land uses in-

cluding: road construction, operation, and maintenance; grazing and grazing management; pesticides and herbicide use; recreation; fire management; hydroelectric facility operation; flood management; fish hatchery operation; and water supply and treatment facility operation and maintenance; and habitat management actions including: enhancement, restoration, management and maintenance of habitat on 28,000 acres in San Joaquin, Calaveras, and Amador Counties, California (Project).

The overall Project is expected to have a net beneficial effect to the California tiger salamander (*Ambystoma californiense*), but ongoing activities within the site could also result in adverse effects to the species. Fire management activities could adversely affect breeding and upland habitat suitable for the California tiger salamander. Operation and maintenance of roads, hydroelectric facilities, water supply and treatment facilities, and fish hatcheries could result in individual California tiger salamanders being harmed or killed.

The U.S. Fish and Wildlife Service (Service) entered into a FSHA (TE213311-0) with EBMUD in June 2009 in order to promote enhancement and management of habitat for species which included the Federally threatened California tiger salamander. California tiger salamander has since been listed as State threatened. Pursuant to California Fish and Game Code Section 2089.22, EBMUD is requesting a determination that the FSHA is consistent with California State Safe Harbor Agreement Program Act (CSSHAPA). If the Department determines the FSHA is consistent with CSSHAPA for the proposed Project, EBMUD will not be required to obtain a California state safe harbor agreement (CSSHA) under Fish and Game Code section 2089.2 for the proposed Project.

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game —

#### Public Interest Notice

For Publication May 28, 2010

#### CESA CONSISTENCY DETERMINATION

#### REQUEST FOR

Salinas Road Interchange

Monterey County

2080-2010-013-04

The Department of Fish and Game (Department) received a notice on May 13, 2010 that the California Department of Transportation (Caltrans) proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This

project consists of a series of safety and operational improvements to Highway 1 at the intersection of Salinas Road in Monterey County, California (Project).

Project activities will temporarily affect 9.7 acres of habitat suitable for the California tiger salamander (*Ambystoma californiense*) and permanently affect 40.14 acres, 32.4 acres of agricultural fields which are low quality habitat for the California tiger salamander and 7.74 acres of potentially suitable upland habitat of California tiger salamander.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81440-2008-F-0531-R001)(BO) and incidental take statement (ITS) to Caltrans, acting for the Federal Highway Administration (FHWA), on February 11, 2010, and issued an Amendment to the BO on May 13, 2010, which considered the effects of the Project on the Federally threatened California tiger salamander. California tiger salamander has since been listed as State threatened. Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DECISION NOT TO PROCEED

### BOARD OF BEHAVIORAL SCIENCES

#### NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code section 11347

Pursuant to Government Code Section 11347, the Board of Behavioral Sciences hereby gives notice that it has decided not to proceed with the rulemaking published in the California Regulatory Notice Register October 30, 2009 (Notice File Number Z-2009-1019-01) related to continuing education requirements for Licensed Educational Psychologists.

The Board of Behavioral Sciences will incorporate the content of this rulemaking into a new proposal that will be published in the California Regulatory Notice Register on May 28, 2010.

Any interested persons with questions concerning this rulemaking should contact Tracy Rhine at either (916) 574-7847 or by email at [tracy\\_rhine@dca.ca.gov](mailto:tracy_rhine@dca.ca.gov).

The Board will publish this Notice of a Decision Not to Proceed on its Web site.

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**ACCEPTANCE OF PETITION TO REVIEW  
ALLEGED UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the  
California Code of Regulations)**

The Office of Administrative Law has accepted the following petition for consideration.

Please send your comments to:

Kathleen Eddy, Senior Counsel  
Office of Administrative Law  
300 Capitol Mall, Ste. 1250  
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

James Reed  
1168 E. La Cadena Drive, #202  
Riverside, CA 92507

Agency contact:

Fred Lonsdale  
Office of the Director  
Legal Office  
Department of Industrial Relations  
455 Golden Gate Ave., 10th Floor  
San Francisco, CA 94102

Please note the following timelines:

Publication of Petition in Notice Register:

May 28, 2010

Deadline for Public Comments: June 28, 2010

Deadline for Agency Response: July 12, 2010

Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response

Deadline for OAL Decision: September 27, 2010

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF INDUSTRIAL  
RELATIONS**

**PETITION TO THE OFFICE OF  
ADMINISTRATIVE LAW**

Optional Petition Submission Form

**RE:** Alleged Underground Regulation

**FROM:** James Reed (Petitioner)

**DATE:** 03/19/2010

Use of this form is optional. It requests the information required by California Code of Regulations, title 1, section 260, for a petition challenging an alleged underground regulation. Although the use of this form is not required, the mandatory information required by California Code of Regulations, title 1, section 260, including the supporting documentation, must be included in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

**1. Petitioner's Identifying information:**

Your name: James Reed

Your address: 1168 E. La Cadena Dr. #202 Riverside, Ca. 92507

Your telephone number (if you have one): 951-712-5197

Your e-mail (if you have one): cccdirector@msn.com

**2. State agency or department being challenged:** Department of Industrial Relations / Office of the Director

**3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.**

(1) Letter dated July 19, 2001 addressed to The Honorable Rico Oiler (2) Letter dated November 30, 2001 addressed to Ms. Karen Thomas (3) Letter dated November 30, 2001 addressed to Mr. Thomas R. Hoecker (4) Letter dated November 30, 2001 addressed to Mr. Steve Biondi (5) Letter dated November 30, 2001 addressed to Mr. Don V. Cooley (6) Letter dated November 30, 2001 addressed to Mr. Daniel S. Buckley (7) Letter dated November 30, 2001 addressed to Ms. Julie Ogg (8) Letter dated December 10, 2001 addressed to Arthur R. Geller (9) Letter dated March 29, 2005 addressed to Thomas W. Kovacich and (10) Letter dated April 13, 2007 addressed to Paul V. Simpson, all attached as Exhibit "B".

**4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.**

Between July 19, 2001 and April 13, 2007 the Department of Industrial Relations issued several opinion letters which seemingly provided exceptions to the annualization rules defined in Labor Code Section 1773.1(d). These letters, though sent to various individuals, do not interpret the law on a case by case basis but rather apply as a general application of the law. In at least two Wage and Hour cases I know of, the contractors have relied on one or more of these opinion letters, issued by the DIR, to avoid annualization for the purposes of taking credits against employer payments on Public Work construction projects where Prevailing Wages were required.

**5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.**

In *Tidewater Marine Western, Inc. v. Bradshaw*, (1996) 14 CAL.4th 557, 571, 59 Cal.Rptr.2d 186, 927 P.2d 296. Noting that in Labor Code Section 98.8 “the Legislature empowered the DLSE to promulgate necessary ‘regulations and rules of practice and procedures’” the Court found that the APA applies to the exercise of any quasi-legislative power conferred by any statute including those given the DIR. Id. at 570. Any such opinion letter or policy is a “regulation” subject to the APA if it announces “how a certain class of cases will be decided” and if it is to “implement, interpret, or make specific the law enforced or administered by” the agency. I believe that both situations apply to the opinion letters identified on page one, section (3) of this petition and attached as Exhibit “B”. Please refer to Exhibit “A” SUMMARY OF EVENTS page 2, for discussions on statutory exemptions to the requirements of the APA.

**6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.**

Of considerable importance is the fact that contractors who do not follow the rules of annualization as set forth in Labor Code 1773.1(d) may in fact be in violation of Labor Code Section 1774, the failure to pay the prevailing rate of wages to workmen. It has been proven in many instances that contractors will take the full credit for employer payments against the per diem prevailing wage, as provided on the State Wage Determinations, yet not provide the same amount of benefit to their workers. In these instances had the annualiza-

tion statute in Labor Code Section 1773.1(d) been followed, the correct hourly credit would have been applied. In most cases the credit, as determined by annualization, is something less than the benefits required by prevailing wage and in those cases the difference would be due to the worker as wages due. This discrepancy and underpayment of wages, not only affects the workers wages, but deprives all taxing and insurance agencies of tax revenue and insurance premiums that would be due on those underpaid wages.

**7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.**

Please refer to EXHIBIT “A” DISCUSSION OF BASIS FOR PETITION

**8. Certifications:**

**I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:**

Name of person in agency to whom petition was sent: John Duncan, Director

Agency: Department of Industrial Relations / Office of the Director

Address: 455 Golden Gate Ave. 10th Floor San Francisco, Ca. 94102

Telephone number: 415-703-4240

**I certify that all of the above information is true and correct to the best of my knowledge.**

/s/	3/19/2010
Signature of Petitioner	Date

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0406-08  
AIR RESOURCES BOARD  
Heavy-Duty On-Board Diagnostics

This action establishes an enforcement rule to require measurement of the effectiveness of onboard diagnostic



(“OBD”) systems on used 2010 and subsequent heavy duty engines, amends the OBD regulation that specifies the required capabilities of OBD systems installed in passenger cars, light duty trucks, and medium duty vehicles, and updates the regulation that specifies the emission standards pertinent to OBD systems and other requirements applicable to 2010 and subsequent heavy-duty engines.

Title 13  
California Code of Regulations  
ADOPT: 1971.5 AMEND: 1968.2, 1971.1  
Filed 05/18/2010  
Effective 06/17/2010  
Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0407-01  
**BOARD OF EQUALIZATION**  
Innocent Spouse or Registered Domestic Partner Relief from Liability

The State Board of Equalization adopted sections 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106 and 4903 in title 18 of the California Code of Regulations to provide for relief for innocent spouses and registered domestic partners from liability under the Alcoholic Beverage Tax Law, Cigarette and Tobacco Products Tax Law, Diesel Fuel Tax Law, Emergency Telephone Users Surcharge Law, Energy Resources Surcharge Law, Fee Collection Procedures Law, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Motor Vehicle Fuel Tax Law, Oil Spill Response, Prevention, and Administration Fees Law, Private Railroad Car Tax Law, Timber Yield Tax Law, Underground Storage Tank Maintenance Law, or Fuel Tax Law.

Title 18  
California Code of Regulations  
ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903  
Filed 05/18/2010  
Effective 06/17/2010  
Agency Contact:  
Richard Bennion (916) 445-2130

File# 2010-0406-01  
**BOARD OF EQUALIZATION**  
Membership Fees

This change without regulatory effect deletes subdivision (c) of section 1584 which states “The provisions of this regulation are operative January 1, 1996” because all of the reporting periods that began prior to January 1, 1996, ended more than 14 years ago, the Board does not expect to issue any new notices of determina-

tion or receive any new claims for refund for those reporting periods because of statutory deadlines, and therefore, the reporting periods are closed for all material regulatory purposes.

Title 18  
California Code of Regulations  
AMEND: 1584  
Filed 05/13/2010  
Agency Contact:  
Richard Bennion (916) 445-2130

File# 2010-0406-02  
**BOARD OF EQUALIZATION**  
Reporting Methods for Grocers

Sections 1602.5 and 1700 of title 18 contain examples for calculating applicable tax using a 6% tax rate. This change without regulatory effect replaces the outdated 6% tax rate, which currently does not apply anywhere in California, with an 8.25% tax rate in the examples for calculating applicable tax.

Title 18  
California Code of Regulations  
AMEND: 1602.5, 1700  
Filed 05/13/2010  
Agency Contact:  
Richard Bennion (916) 445-2130

File# 2010-0415-07  
**BUREAU OF AUTOMOTIVE REPAIR**  
Motor Vehicle Inspection Program Definitions

This Section 100 change without regulatory effect amends the existing Motor Vehicle Inspection Program definitions regulation by rearranging the definitions into alphabetical order.

Title 16  
California Code of Regulations  
AMEND: 3340.1  
Filed 05/19/2010  
Agency Contact: Steven Hill (916) 255-2135

File# 2010-0330-01  
**CALIFORNIA EMERGENCY MANAGEMENT AGENCY**  
Office of Emergency Services — Change of Agency Name and Corrections

This change without regulatory effect implements Assembly Bill 38, Chapter 372, of 2008. Assembly Bill 38 changed the name of the agency from the Office of Emergency Services (OES) to the California Emergency Management Agency (Cal EMA) and changed the title of the head of the agency from Director to Secretary. This change without regulatory effect also made corrective grammar, spelling, alphabetizing, cross-reference, Authority and Reference Citation, and punctua-

tion changes throughout the agency's regulations in titles 19 and 26 of the California Code of Regulations.

**Title 19, 26**

California Code of Regulations

AMEND: Title 19: 2402, 2407, 2411, 2413, 2415, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2573.3, 2575.1, 2575.2, 2576, 2576.1, 2577.2, 2577.3, 2577.5, 2577.6, 2577.7, 2577.8, 2578.1, 2578.2, 2578.3, 2703, 2705, 2724, 2729.2, 2731, 2735.1, 2735.3, 2735.4, 2735.5, 2745.1, 2745.10, 2750.2, 2750.3, 2765.2, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, 2800, 2810, 2815, 2820, 2825, 2830, 2835, 2850, 2855, 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2966, 2970, 2980, 2990, Title 26: 19-2510, 19-2520, 19-2530, 19-2540, 19-2703, 19-2705, 19-2724, 19-2731

Filed 05/12/2010

Agency Contact:

Jessica Kirschbraun (916) 323-9152

File# 2010-0415-01

**CALIFORNIA FILM COMMISSION**

**Film and Television Tax Credit Program**

This rulemaking action implements Senate Bill 15, Chapter 17 of 2009, which established the California Film and Television Tax Credit Program to encourage film and television production companies to produce their products within the State of California. The rulemaking specifies, among other things, project eligibility and application rules, the credit certificate issuance process, the kinds of production expenditures that qualify for the program, and the procedures used to audit production companies in connection with their tax-credit applications.

**Title 10**

California Code of Regulations

ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

Filed 05/19/2010

Effective 05/19/2010

Agency Contact: Terri Toohey (916) 768-5638

File# 2010-0503-01

**CALIFORNIA GAMBLING CONTROL COMMISSION**

**Conflict of Interest Code**

The California Gambling Control Commission is repealing and adopting its conflict of interest code found at title 4, section 12590, California Code of Regulations. The changes were approved by the Fair Political Practices Commission on April 28, 2010.

**Title 4**

California Code of Regulations

ADOPT: 12590 REPEAL: 12590

Filed 05/17/2010

Effective 06/16/2010

Agency Contact: Pam Ramsay (916) 263-8111

File# 2010-0330-02

**CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD**

**Nepotism, Employment of Board Members, etc.**

This regulatory action establishes the Board's policy on nepotism and employment of anyone who previously served as a board member. It also makes some amendments to reflect statutory changes and comply with federal standards.

**Title 22**

California Code of Regulations

ADOPT: 5300, 5400 AMEND: 5002, 5010, 5052, 5055, 5062, 5102, 5105

Filed 05/12/2010

Effective 06/11/2010

Agency Contact: Kim Hickox (916) 263-6768

File# 2010-0510-02

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Mediterranean Fruit Fly Eradication Area**

This emergency action adds the entire county of Imperial to the existing nine county areas designated for the eradication of the Mediterranean fruit fly.

**Title 3**

California Code of Regulations

AMEND: 3591.5(a)

Filed 05/17/2010

Effective 05/17/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0506-06

**DEPARTMENT OF FOOD AND AGRICULTURE**

**European Grapevine Moth — Interior Quarantine**

This emergency regulatory action expands the existing regulated quarantine areas for the European Grapevine Moth (EGVM), *Lobesia botrana*, in Napa, Solano and Sonoma counties by approximately 827 miles, and creates new regulated quarantine areas in Fresno County of approximately 96 square miles and in Mendocino County of approximately 140 square miles. The current regulated area of approximately 332 square miles has been expanded by approximately 1063 square miles for a total of approximately 1395 square miles. It is immediately necessary to implement quarantine actions in order to prevent the artificial spread of EGVM to the uninfested areas of California.

Title 3  
California Code of Regulations  
AMEND: 3437  
Filed 05/13/2010  
Effective 05/13/2010  
Agency Contact: Susan McCarthy (916) 654-1017

File# 2010-0506-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Citrus Nursery Stock Pest Cleanliness Program, Citrus  
Tristeza I.Q.

The California Department of Food and Agriculture submitted this action as an emergency to implement the mandatory Citrus Nursery Stock Pest Cleanliness Program in which nurseries that propagate citrus trees or citrus tree seeds must participate in and fund pursuant to SB 140 (Stats. 2009, ch. 639). The adoption of these regulations establishes title 3, California Code of Regulations, sections 3701-3701.8 for the mandatory program, the provisions of which will affect other regulations resulting in amendment of title 3, section 3740 and repeal of title 3, sections 3000-3004.

Title 3  
California Code of Regulations  
ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407(e), 3407(f) REPEAL: 3000, 3001, 3002, 3003, 3004  
Filed 05/17/2010  
Effective 05/17/2010  
Agency Contact:  
Susan McCarthy (916) 654-1017

File# 2010-0409-01  
DEPARTMENT OF JUSTICE  
Conflict of Interest Code

This is a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations.

Title 11  
California Code of Regulations  
AMEND: 20  
Filed 05/19/2010  
Effective 06/18/2010  
Agency Contact: Erin Peth (916) 323-8230

File# 2010-0506-01  
DEPARTMENT OF SOCIAL SERVICES  
Division 31, Grievance Review Procedures

This is the second and final readopt of the prior emergency regulatory actions (OAL file nos. 2009-0819-02E and 2010-0218-02EE) that introduced the use of three new forms, established the

requirements for county welfare departments to notify individuals of their listing on the Child Abuse Central Index (CACI), a child abuse registry maintained by the California Department of Justice, and established the procedures for requesting, scheduling, and conducting a grievance hearing and appealing the decision of a grievance hearing. These regulations also established factors to be considered when determining whether to temporarily place a child in a home in which a relative or non-related extended family member lives and who is on the CACI list. Additionally, these regulations deal with special requirements for reporting child abuse and neglect to the California Department of Justice.

Title MPP  
California Code of Regulations  
ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501  
Filed 05/17/2010  
Effective 05/28/2010  
Agency Contact:  
Zaid Dominguez (916) 657-2586

File# 2010-0405-02  
DEPARTMENT OF SOCIAL SERVICES  
AB 1808 Homelessness Eligibility Requirements

The Department of Social Services (Department) proposed to amend section 44-211 of the Department of Social Services Manual of Policies and Procedures to implement changes made by Assembly Bill 1808 (Chapter 75, Statutes of 2006) to the California Work Opportunity and Responsibility to Kids Homeless Assistance Program.

Title MPP  
California Code of Regulations  
AMEND: 44-211  
Filed 05/17/2010  
Effective 06/16/2010 06/16/2010  
Agency Contact:  
Zaid Dominguez (916) 657-2586

File# 2010-0406-06  
EMERGENCY MEDICAL SERVICES  
AUTHORITY  
Advanced EMT

In this regulatory action, the Emergency Medical Services Authority makes substantial revisions to its chapter of regulations pertaining to the Emergency Medical Technician-II (EMT-II) classification of emergency medical services personnel. As part of these revisions, the "EMT-II" classification is generally being amended to become the "Advanced EMT" classification. The regulation adoptions and amendments include provisions pertaining to Advanced EMT subject areas such as program definitions, requirements and re-

sponsibilities of local Emergency Medical Services Agencies, scope of practice and local optional scope of practice, trial studies, training program requirements, certification and recertification requirements, base hospital and medical control provisions, record keeping requirements, and fees.

Title 22

California Code of Regulations

ADOPT: 100102.1, 100103.1, 100103.2, 100106.1, 100106.2, 100107.1 AMEND: 100101, 100102, 100103, 100104, 100105, 100106, 100107, 100108, 100109, 100110, 100111, 100112, 100113, 100114, 100115, 100116, 100117, 100118, 100119, 100120, 100121, 100122, 100123, 100124, 100125, 100126, 100127, 100128, 100129, 100130

Filed 05/18/2010

Effective 06/17/2010

Agency Contact: Laura Little (916) 322-4336

File# 2010-0406-07

EMERGENCY MEDICAL SERVICES

AUTHORITY

EMT

This regulatory action renames EMT I to EMT and revises various standards for licensing and certification.

Title 22

California Code of Regulations

ADOPT: 100059.1, 100061.2 AMEND: 100057, 100058, 100059, 100059.2, 100060, 100061, 100061.1, 100062, 100063, 100063.1, 100064, 100064.1, 100065, 100066, 100067, 100068, 100069, 100070, 100071, 100072, 100073, 100074, 100075, 100076, 100077, 100078, 100079, 100080, 100081, 100082, 100083

Filed 05/18/2010

Effective 06/17/2010

Agency Contact: Laura Little (916) 322-4336

File# 2010-0406-05

EMERGENCY MEDICAL SERVICES

AUTHORITY

California EMT Central Registry

This rulemaking action adds new Chapter 10, Articles 1 through 4, to Division 9 of Title 22 of the California Code of Regulations to create the California Emergency Medical Technicians (EMT) Central Registry. Specifically, among other things, the rulemaking requires that EMT certifying entities report certain data about EMTs and the certifying entities themselves to the Central Registry and to update the Registry on any actions taken against certificate holders. It also establishes fees the Emergency Medical Services Authority will charge certifying entities to enter data into the Registry and establishes penalties that will be charged for a

certifying entity's failure to timely provide certain data to the Registry.

Title 22

California Code of Regulations

ADOPT: 100340, 100341, 100342, 100343, 100343.1, 100343.2, 100343.3, 100344, 100345, 100346, 100346.1, 100347, 100348, 100349

Filed 05/18/2010

Effective 06/17/2010

Agency Contact: Adam Morrill (916) 322-4336

File# 2010-0406-04

EMERGENCY MEDICAL SERVICES

AUTHORITY

Process for EMT and Advanced EMT Discipline

The Emergency Medical Services Authority proposed to adopt and amend sections in title 22 of the California Code of Regulations on the disciplinary action process for EMTs and Advanced EMTs.

Title 22

California Code of Regulations

ADOPT: 100202.1, 100206.1, 100206.2, 100206.3, 100206.4, 100208.1, 100211.1, 100214.1, 100214.2, 100214.3 AMEND: 100201, 100202, 100203, 100204, 100205, 100206, 100207, 100208, 100209, 100210, 100211, 100212, 100213, 100214, 100215, 100216, 100217 REPEAL: 100218

Filed 05/18/2010

Effective 06/17/2010

Agency Contact: Adam Morrill (916) 322-4336

File# 2010-0407-03

EMERGENCY MEDICAL SERVICES

AUTHORITY

Paramedic Regulations

This rulemaking amends Title 22 sections 100159, 100166 and 100171. The amendment to section 100171 increases the paramedic licensure and licensure renewal fee from \$125 to \$195 over the next two years with a \$35 increase in 2010 and a \$35 increase in 2011. The amendment to section 100166 provides up to a 6 month extension on a paramedic license for a licensee on active military duty whose license expires within 6 months of their release from active duty. The amendment to section 100159 updates the incorporated documents that contain the national standards for paramedic education.

Title 22

California Code of Regulations

AMEND: 100159, 100166, 100171

Filed 05/19/2010

Effective 06/18/2010

Agency Contact:

Nancy J. Steiner

(916) 322-4336



File# 2010-0406-03

**PHYSICIAN ASSISTANT COMMITTEE**

Continuing Medical Education / Citation and Fine

The Physician Assistant Committee of the Medical Board of California adopted this rulemaking action to implement AB 2482 (2008), which added section 3524.5 to the Business and Professions Code and authorized the committee to establish continuing medical education (CME) requirements as a condition of license renewal for physician assistants. Committee regulations are under title 16, division 13.8 of the California Code of Regulations. The action adopts five new title 16 sections under new article 8 to establish specific criteria for complying with AB 2482, approved CME course programs, recordkeeping and reporting requirements, administrative, audit and sanction provisions for non-compliance, CME waiver provisions, and an inactive status that exempts physician assistant licensees from the renewal continuing medical education requirements. Additionally, the action amends the provisions of section 1399.571(b) that specify violations for which the committee may issue citations.

**Title 16**

California Code of Regulations

ADOPT: 1399.615, 1399.616, 1399.617, 1399.618, 1399.619

AMEND: 1399.571

Filed 05/13/2010

Effective 06/12/2010

Agency Contact:

Glenn L. Mitchell (916) 561-8783

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN December 16, 2009 TO  
May 19, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

05/11/10 AMEND: 18945

05/06/10 AMEND: 1859.2

05/03/10 AMEND: 60040, 60045

04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2

04/08/10 AMEND: 1859.76

03/23/10 AMEND: 18351

03/19/10 ADOPT: 59670

03/19/10 AMEND: 18942 REPEAL: 18630

03/11/10 AMEND: 18932.4

02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02

02/23/10 AMEND: div. 8, ch. 16, sec. 37000

02/19/10 AMEND: 52400

02/11/10 ADOPT: 18421.9 AMEND: 18431

02/11/10 AMEND: 18950.3

02/09/10 ADOPT: 59660

01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585

01/25/10 AMEND: 58100

01/19/10 AMEND: div.8, ch. 102, sec. 59100

01/14/10 AMEND: Section 27000

01/13/10 ADOPT: div. 8, ch. 119, sec. 59640

01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944

01/05/10 AMEND: div. 8, ch. 49, sec. 53800

12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2

12/21/09 AMEND: 1896.4, 1896.12

12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719

**Title 3**

05/17/10 AMEND: 3591.5(a)

05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8  
AMEND: 3407(e), 3407(f)

REPEAL: 3000, 3001, 3002, 3003, 3004

05/13/10 AMEND: 3437

05/04/10 AMEND: 3423(b)

05/04/10 AMEND: 3437(b)

05/04/10 AMEND: 3434(b)

05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)

04/22/10 AMEND: 3434(b)

04/22/10 AMEND: 3406(b), 3406(c)

04/20/10 AMEND: 3437(b)

04/15/10 AMEND: 3434(b)

04/05/10 AMEND: 3434(b)

03/24/10 ADOPT: 3436

03/24/10 AMEND: 3588

03/17/10 AMEND: 3423(b)

03/15/10 AMEND: 3434(b)

03/10/10 AMEND: 3591.20(a)

03/10/10 AMEND: 3434(b)

03/04/10 AMEND: 3700(c)

03/04/10 AMEND: 3406(b)

03/03/10 REPEAL: 3279, 3433

03/03/10 AMEND: 3591.20

03/03/10 AMEND: 3406(b)

03/03/10 AMEND: 3423(b)

03/03/10 ADOPT: 3437

02/26/10	AMEND: 3435	71120, 71130, 71140, 71150, 71160,
02/18/10	AMEND: 3591.23	71170, 71180, 71190, 71200, 71210,
02/18/10	ADOPT: 3591.24	71220, 71230, 71240, 71250, 71260,
01/25/10	AMEND: 3434(b)	71270, 71280, 71290, 71300, 71310,
01/25/10	AMEND: 3406(b)	71340, 71380, 71400, 71405, 71450,
01/25/10	ADOPT: 1430.54, 1430.55, 1430.56, 1430.57	71455, 71460, 71465, 71470, 71500,
01/19/10	ADOPT: 3436	71550, 71600, 71630, 71700, 71705,
01/12/10	AMEND: 3434(b)	71710, 71715, 71720, 71730, 71735,
01/11/10	AMEND: 3406(b) and (c)	71740, 71745, 71770, 71810, 71850,
01/06/10	AMEND: 3435(b)	71865, 71920, 71930, 74000, 74002,
01/04/10	AMEND: 2675, 2734, 2735	74004, 74006, 74120, 74130, 74140,
12/31/09	AMEND: 3434(b), (c), (e)	74150, 74160, 74170, 74190, 74200,
12/29/09	AMEND: 3423(b)	76000, 76120, 76130, 76200, 76210,
12/28/09	AMEND: 3434(b)	76215 REPEAL: 70030, 71000, 71005,
12/28/09	AMEND: 3434(b)	71010, 71020, 71330, 71360, 71410,
12/16/09	AMEND: 3591.20(a)	71415, 71420, 71490, 71495, 71505,
12/16/09	AMEND: 3406(b)(c)	71510, 71515, 71520, 71555, 71560,
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05/17/10	ADOPT: 12590 REPEAL: 12590	71655, 71725, 71775, 71800, 71805,
04/29/10	AMEND: 8034, 8035, 8042, 8043	71830, 71855, 71860, 71870, 71875,
04/13/10	ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended 12345, and 12348 renumbered as 12346 REPEAL: 12347	71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410,
04/06/10	ADOPT: 12372, 12395, 12396 AMEND: 12370	72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515,
03/29/10	AMEND: 1685	72520, 72550, 72555, 72560, 72565,
03/29/10	AMEND: 1632	72570, 72600, 72605, 72610, 72615,
03/25/10	AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190	72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775,
03/15/10	ADOPT: 12482	72800, 72805, 72810, 72830, 72850,
02/01/10	AMEND: 1867	72855, 72860, 72865, 72870, 72875,
01/29/10	AMEND: 1866	72880, 72885, 72890, 72900, 72905,
01/27/10	AMEND: 10020	72910, 72915, 72920, 72930, 73000,
01/27/10	AMEND: 1890	73010, 73100, 73110, 73120, 73130,
01/27/10	AMEND: 1859	73140, 73150, 73160, 73165, 73170,
01/27/10	AMEND: 1843.6 and 1858	73180, 73190, 73200, 73210, 73220,
12/17/09	AMEND: 8070, 8072, 8073, 8074	73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910,
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04/15/10	AMEND: 19816, 19816.1	
04/12/10	REPEAL: 40503	
04/12/10	AMEND: 42002	
02/26/10	AMEND: 19824, 19851, 19854	
02/01/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110,	

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01/21/10	ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709	04/01/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122
01/21/10	ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5		
01/04/10	AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225		
12/18/09	AMEND: 41905		
12/16/09	ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846	03/29/10	AMEND: 2202, 2203
12/16/09	ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736	03/18/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
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05/05/10	AMEND: 3308	02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))
04/06/10	AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8	02/03/10	AMEND: 2695.85
03/24/10	AMEND: 4301	01/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
03/10/10	AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B	01/07/10	AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4
02/03/10	AMEND: 5155	<b>Title 11</b>	
02/02/10	AMEND: 1549(h)	05/19/10	AMEND: 20
<b>Title 9</b>		04/21/10	AMEND: 1084
05/07/10	REPEAL: 3520	03/30/10	AMEND: 1084
04/28/10	ADOPT: 4350		
04/20/10	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533		
12/21/09	ADOPT: 9550		
12/21/09	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533		
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05/19/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507		
05/04/10	AMEND: 2699.6625		
04/28/10	AMEND: 2318.6		
04/28/10	AMEND: 2318.6, 2353.1, 2354		
04/28/10	AMEND: 2353.1		
04/21/10	AMEND: 2699.202		
04/21/10	AMEND: 2699.202		
04/13/10	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10		
04/12/10	AMEND: 2690		

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01/05/10 AMEND: 900, 901, 902, 903, 904, 905,  
906 REPEAL: 907, 908, 909, 910, 911

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05/18/10 ADOPT: 1971.5 AMEND: 1968.2,  
1971.1  
04/27/10 AMEND: 1160.3, 1160.4  
04/13/10 AMEND: 1201, 1212, 1213  
04/05/10 ADOPT: 2408.1 AMEND: 2401, 2403,  
2404, 2405, 2406, 2408, 2409  
04/01/10 AMEND: 1961, 1961.1  
04/01/10 AMEND: 1961, 1961.1  
03/25/10 AMEND: 2480  
03/04/10 ADOPT: 205.00, 205.02, 205.04, 205.06,  
205.08, 205.10, 205.12, 205.14  
03/03/10 AMEND: 423.00  
02/22/10 AMEND: 350.36, 350.38, 350.40,  
350.44, 350.46  
01/14/10 ADOPT: 2032 AMEND: 1961, 1962,  
1962.1, 1976, 1978  
01/05/10 AMEND: 553.70  
12/31/09 AMEND: 2449, 2449.1, 2449.2  
12/31/09 AMEND: 2449, 2449.1, 2449.2

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05/03/10 AMEND: 820.01  
04/30/10 AMEND: 27.80  
04/27/10 AMEND: 632  
04/20/10 AMEND: 895.1, 914.6, 934.6, 954.6,  
1024, 1025, 1026, 1030, 1052, 1052.1,  
1052.4, 1092, 1092.01, 1092.09, 1092.29  
03/29/10 ADOPT: 18452.1 AMEND: 18449,  
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18455, 18456, 18456.1, 18456.2,  
18456.3, 18456.4, 18457, 18459,  
18459.1, 18459.1.2, 18459.2.1, 18459.3,  
18460.1, 18460.1.1, 18460.2, 18461,  
18462, 18463, 18464, 18466, 18831  
REPEAL: 18456.2.1, 18460.2.1  
03/10/10 AMEND: 670.5  
02/23/10 AMEND: 1052(a)  
02/18/10 AMEND: 155  
02/16/10 ADOPT: 15064.4, 15183.5, 15364.5  
AMEND: 15064, 15064.7, 15065,  
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15130, 15150, 15183, Appendix F,  
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02/09/10 ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74,  
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5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81,  
5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80,  
27.92, 29.90, 700, 701  
02/03/10 AMEND: 11960  
02/01/10 AMEND: 1257  
01/29/10 AMEND: 791.7, 792

01/28/10 AMEND: 2090, 2425, 2525, 2530  
01/14/10 ADOPT: 749.5  
01/13/10 REPEAL: 1.18  
01/08/10 AMEND: 4970.00, 4970.01, 4970.05,  
4970.06.1, 4970.07, 4970.07.2, 4970.08,  
4970.10, 4970.10.1, 4970.10.3,  
4970.10.4, 4970.11, 4970.14.1,  
4970.14.3, 4970.15.1, 4970.15.2,  
4970.15.3, 4970.17, 4970.19, 4970.19.2,  
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4970.24, 4970.25.1, 4970.26  
12/29/09 AMEND: 4609  
12/21/09 AMEND: 670.5  
12/21/09 AMEND: 2310, 2320

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04/26/10 ADOPT: 3720, 3721, 3721.1, 3722, 3723  
02/24/10 AMEND: 7001  
02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544,  
3545, 3546, 3547, 3548, 3560, 3561,  
3562, 3563, 3564, 3565  
02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1,  
3054.2, 3054.3 (renumbered to 3054.4),  
3054.4 (renumbered to 3054.5), 3054.5  
(renumbered to 3054.6), 3054.6  
(renumbered to 3054.7)  
01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1,  
3041, 3041.2, 3043, 3043.1, 3043.3,  
3043.4, 3043.5, 3043.6, 3044, 3045,  
3045.1, 3045.2, 3045.3 REPEAL: 3040.2  
01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C),  
3075.3(c), 3505 AMEND: 3000, 3075.2,  
3075.3, 3502, 3504  
01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263,  
351, 352, 353, 354, 355, 356, 358, 1006,  
1010, 1029, 1032, 1045, 1055, 1056,  
1063, 1081, 1083, 1084, 1100, 1122,  
1140, 1160, 1245, 1260, 1264, 1272,  
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01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3  
REPEAL: 3999.6  
12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1  
12/21/09 AMEND: 3287, 3290

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05/19/10 AMEND: 3340.1  
05/13/10 ADOPT: 1399.615, 1399.616, 1399.617,  
1399.618, 1399.619 AMEND: 1399.571  
05/04/10 ADOPT: 4175  
04/27/10 AMEND: 1399.152, 1399.153.3,  
1399.160.3, 1399.160.4  
04/12/10 ADOPT: 3340.36.1  
03/29/10 ADOPT: 1355.4  
03/16/10 ADOPT: 311.1  
03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1,  
1017.1



03/08/10 AMEND: 4100  
 02/24/10 AMEND: 4120  
 02/22/10 ADOPT: 2262.1 AMEND: 2262  
 02/18/10 ADOPT: 50.1  
 02/16/10 ADOPT: 318.1  
 01/06/10 AMEND: 1505  
 01/06/10 ADOPT: 2.4  
 01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8  
 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9  
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 12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89  
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42

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 04/15/10 AMEND: 95480.1, 95481, 95486  
 04/07/10 AMEND: 1031.2, 1031.3  
 02/08/10 AMEND: 95362, 95365, 95366, 95367, 95368  
 01/12/10 ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490  
 12/28/09 ADOPT: 95340, 95341, 95342, 95343, 95344, 95345, 95346  
 12/17/09 ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611

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 05/18/10 ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903  
 05/13/10 AMEND: 1584  
 05/13/10 AMEND: 1602.5, 1700  
 05/11/10 REPEAL: 1525.7  
 04/14/10 AMEND: 192, 193, 371  
 03/30/10 ADOPT: 3500 AMEND: 2300, 2401, 3502, 4041, 4500, 4508, 4701, 4702, 4703, 4901  
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7  
 03/17/10 AMEND: 1699  
 03/16/10 AMEND: 312(a)  
 03/16/10 AMEND: 1597  
 01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508, 2509, 2512, 2513, 2514, 2525, 2530, 2535, 2536, 2537, 2538, 2540, 2541, 2542, 2543, 2544, 2557, 2560, 2561  
 01/20/10 AMEND: 5237, 5266

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 05/12/10 AMEND: Title 19: 2402, 2407, 2411, 2413, 2415, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2573.3, 2575.1, 2575.2, 2576, 2576.1, 2577.2, 2577.3, 2577.5, 2577.6, 2577.7, 2577.8, 2578.1, 2578.2, 2578.3, 2703, 2705, 2724, 2729.2, 2731, 2735.1, 2735.3, 2735.4, 2735.5, 2745.1, 2745.10, 2750.2, 2750.3, 2765.2, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, 2800, 2810, 2815, 2820, 2825, 2830, 2835, 2850, 2855, 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2966, 2970, 2980, 2990, Title 26: 19-2510, 19-2520, 19-2530, 19-2540, 19-2703, 19-2705, 19-2724, 19-2731

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 05/19/10 AMEND: 100159, 100166, 100171  
 05/18/10 ADOPT: 100102.1, 100103.1, 100103.2, 100106.1, 100106.2, 100107.1 AMEND: 100101, 100102, 100103, 100104, 100105, 100106, 100107, 100108, 100109, 100110, 100111, 100112, 100113, 100114, 100115, 100116, 100117, 100118, 100119, 100120, 100121, 100122, 100123, 100124, 100125, 100126, 100127, 100128, 100129, 100130  
 05/18/10 ADOPT: 100059.1, 100061.2 AMEND: 100057, 100058, 100059, 100059.2, 100060, 100061, 100061.1, 100062, 100063, 100063.1, 100064, 100064.1, 100065, 100066, 100067, 100068, 100069, 100070, 100071, 100072, 100073, 100074, 100075, 100076, 100077, 100078, 100079, 100080, 100081, 100082, 100083  
 05/18/10 ADOPT: 100340, 100341, 100342, 100343, 100343.1, 100343.2, 100343.3, 100344, 100345, 100346, 100346.1, 100347, 100348, 100349  
 05/18/10 ADOPT: 100202.1, 100206.1, 100206.2, 100206.3, 100206.4, 100208.1,

100211.1, 100214.1, 100214.2, 100214.3  
 AMEND: 100201, 100202, 100203,  
 100204, 100205, 100206, 100207,  
 100208, 100209, 100210, 100211,  
 100212, 100213, 100214, 100215,  
 100216, 100217 REPEAL: 100218  
 05/12/10 ADOPT: 5300, 5400 AMEND: 5002,  
 5010, 5052, 5055, 5062, 5102, 5105  
 05/12/10 AMEND: 11-425, 22-001, 22-003,  
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 05/06/10 AMEND: 66273.36  
 04/08/10 AMEND: 50778  
 04/05/10 AMEND: 4446.5  
 03/03/10 AMEND: 70055, 70577, 70703, 70706,  
 70707, 70717, 70749, 70751, 70753,  
 71053, 71203, 71205, 71503, 71507,  
 71517, 71545, 71551, 71553, 72091,  
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 72337, 72413, 72423, 72433, 72453,  
 72461, 72471, 72515, 72523, 72525,  
 72528, 72543, 72547, 73077, 73089,  
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 73325, 73329, 73399, 73409, 73449,  
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 79351, 79637, 79689  
 02/24/10 ADOPT: 97177.10, 97177.15, 97177.20,  
 97177.25, 97177.30, 97177.35,  
 97177.45, 97177.50, 97177.55,  
 97177.60, 97177.65, 97177.67,  
 97177.70, 97177.75, 97199.50, 97200  
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 97178, 97180, 97182, 97184, 97186,  
 97188, 97190, 97192, 97194  
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 02/23/10 AMEND: 7000  
 01/27/10 AMEND: 4402.2, 4406, 4409, 4420,  
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 01/21/10 AMEND: 455.5-6, 455.5-7, 455.5-8  
 12/31/09 AMEND: 97018, 97019, 97215, 97216,  
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 12/21/09 AMEND: 7314

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 89207, 89218, 89219, 89219.1, 89219.2,  
 89224, 89226, 89227, 89228, 89229,  
 89231, 89234, 89235, 89240, 89242,  
 89244, 89246, 89252, 89254, 89255,

89255.1, 89256, 89286, 89317, 89318,  
 89319, 89323, 89361, 89370, 89372,  
 89373, 89374, 89376, 89377, 89378,  
 89379, 89387, 89387.1 renumbered as  
 89387(h), 89387.2, 89388, 89400,  
 89405, 89410, 89420, 89421, 89465,  
 89468, 89469, 89475, 89510.1, 89510.2,  
 89565.1, 89566, 89569.1, 89572.2,  
 89587.1 REPEAL: 89245, 89261,  
 89570.1

02/04/10 ADOPT: 84074 AMEND: 83074, 83087,  
 84087, 84274, 86074, 86087, 86574,  
 89374

**Title 23**

03/10/10 AMEND: 3005  
 03/04/10 ADOPT: 2631.2  
 02/25/10 ADOPT: 3919.6  
 02/24/10 ADOPT: 3919.7  
 02/22/10 ADOPT: 2631.2  
 01/26/10 AMEND: 3939.10

**Title 25**

03/26/10 AMEND: 10001  
 02/25/10 ADOPT: 6200, 6201, 6202, 6203  
 01/29/10 AMEND: 5000, 5001, 5002, 5010, 5011,  
 5012, 5013, 5020, 5020.5, 5021, 5022,  
 5023, 5023.5, 5024, 5025, 5026, 5027,  
 5028, 5029, 5030, 5032, 5034, 5036,  
 5038, 5040, 5043, 5050, 5051, 5052,  
 5053, 5054, 5055, 5056, 5057, 5060,  
 5061, 5062, 5063, 5070, 5071, 5072,  
 5073, 5080, 5081, 5082, 5082.5, 5083,  
 5090, 5094, 5301, 5302, 5304, 5306,  
 5308, 5310, 5312, 5314, 5316, 5318,  
 5320, 5322, 5324, 5326, 5328, 5332,  
 5336, 5338, 5340, 5342, 5344, 5346,  
 5348, 5350, 5352, 5354, 5356, 5360,  
 5362, 5364, 5366, 5368 REPEAL: 5042

**Title 27**

04/09/10 ADOPT: 22100, 22101, 22103, Division  
 2 Form CalRecycle 114 AMEND: 20164,  
 21200, 21570, 21640, 21685, 21820,  
 21840, 21865, 21880, 22102, 22211,  
 22220, 22221, 22231, 22234, 22245,  
 22248, Division 2 Appendix 3, Division 2  
 form Calrecycle 100, Division 2 form  
 Calrecycle 106  
 03/10/10 AMEND: 25903  
 12/17/09 ADOPT: 10010 REPEAL: 10010

**Title 28**

12/18/09 ADOPT: 1300.67.2.2

**Title MPP**

05/17/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501	02/26/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
05/17/10	AMEND: 44-211	01/29/10	ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
05/10/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306	12/22/09	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306